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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/859,276	05/20/1997	MASAHIRO SUZUKI	JAO32382	7543

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT PAPER NUMBER

2612

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
08/859,276

Applicant(s)
Suzuki et al.

Examiner
Luong Nguyen

Art Unit
2612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 20, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above, claim(s) 32-35, 37-40, and 42-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31, 36, and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 5/20/2002 have been considered but are moot in view of the new ground(s) of rejection.
2. Note that, in the Amendment filed on 5/20/2002, the Applicants admitted that the Applicants made an inadvertent error in the Response to Election of Species Requirement filed on 11/30/2001, and submitted that claims 1-31, 36 and 41 read on Fig. 4 Species instead of claims 1-15 and 31-35 as indicated in the Response filed on 11/30/2001.
3. Applicant's election with traverse of the election of species requirement in species I, figure 4 which read on claims 1-31, 36 and 41 in paper No. 20 filed on 5/20/2002 in stead of claims 1-15 and 31-35 in Paper No. 15 filed on 11/30/2001 is acknowledged. The traversal is on the ground(s) that there is no burden on the examiner in searching three sets of species and that all species should be examined together. This is not found persuasive because the examiner made a prima facie showing of examining burden by pointing out the distinct species of the claimed invention. Although the Applicant may rebut this prima facie showing, mere assertions are not enough.

The requirement is still deemed proper and is therefore made FINAL.

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4. Claims 32-35, 37-40, 42-45 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 15. and 16.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 10-17, 20-25, 28-31, 36, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (US 4,937,673) in view of Kawakami et al. (US 4,660,102).

Regarding claim 1, Saito et al. disclose an electronic camera comprising an image device disclosed as CCD 6 (figures 1A-1B, column 3, lines 27-34); a sound recording device, disclosed as microphone 13 (figures 1A-1B, column 3, line 9); a storage medium, disclosed as magnetic tape 22 (figures 1A-1B, column 5, lines 43-47); a release switch, disclosed as shutter release button 42 (figures 1A-1B, column 4, lines 41-45); a control device that control at least one of the sound recording device, the storage medium, and a sound playback device to prevent at least one of recording, storing, and outputting of a preset sound effect that was output during a recording mode so that the preset sound effect will not be output with the sounds that were recorded by the sound recording device when the release switch initiated the predetermined process (system

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controller 41 prevents the noise of the wind or rewind operation (sound effect) of the film in the camera from being recorded as a noise during a movie shooting of the video camera unit, figures 1AB, column 1, lines 60-65, column 6, lines 6-60. This clearly indicates that noise (sound effect) will not be output with the recorded sounds).

Saito et al. fail to specifically disclose a sound effect output device that outputs a preset sound effect when the release switch is operated. However, Kawakami et al. teach that when the shutter release button 142 of the camera is activated, in order to clearly notify the recording operation to the operator, a tone generating device (sound effect output device) may be arranged so that a pseudo-shutter sound (sound effect) is produced when the recording operation on the magnetic disk 124 is initiated (col. 4, lines 29-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera in Saito et al. by the teaching of Kawakami et al. in order to clearly notify the recording operation to the operator (col. 4, lines 44-49).

Regarding claim 2, Saito et al. disclose a view finder as view finder 70 (figures 1AB, 2, column 3, lines 10-15). Saito et al. and Kawakami et al. do not disclose an information output device that outputs visual information within the viewfinder. However, it is noted that using an information output device that outputs visual information within the viewfinder, such as a red LED flashing on the viewfinder, is well known in the art. Therefore, Official Notice is taken and it would have been obvious to one of ordinary skill in the art at the time the invention was made

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to include such device in the device of Saito et al. and Kawakami et al. in order to inform what kind of operation camera to the user.

Regarding claim 3, Kawakami et al. disclose the preset sound effect is a shutter sound effect (pseudo-shutter sound, col. 4, lines 44-49).

Regarding claim 4, Saito et al. disclose the storage medium stores the images and the sounds together (column 5, lines 43-47).

Regarding claims 10-13, Saito et al. disclose the video signal and the sound signal are mixed and recorded on magnetic tape 22 (column 5, lines 43-48). Kawakami et al. disclose a reproducing unit reproduces video signals recorded on magnetic disk (a sound playback device, column 5, lines 7-15). Saito et al. and Kawakami et al. do not disclose a sound removing device. However, this is not a patentable distinction. The use of a sound removing device is so notoriously well-known as a way to removing sound effect in the sound recorded in order to get the desired sound recorded together with the images.

Regarding claim 14, Kawakami et al. disclose a display as monitor unit 210 (see figure, column 3, line 55).

Regarding claim 15, Saito et al. disclose an illumination device as strobe light 55 (figure 1A, column 3, line 7).

Regarding claim 16, all the limitations are contained in claim 1. Therefore, see Examiner's comments regarding claim 1, except the limitation indicating means, which is disclosed by Saito et al. as shutter release button 42 (figure 1B, column 4, lines 41-45).

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Regarding claim 17, it is considered analogous to claim 2. Therefore, see Examiner's comments regarding claim 2.

Regarding claim 20-23, they are considered analogous to claims 10-13. Therefore, see Examiner's comments regarding claim 10-13.

Regarding claims 24-25 and 28-30, these claims are method claims of apparatus claims 16-17 and 20, 22-23, respectively. Therefore, claims 24-25 and 28-30 are rejected for the same reasons given respect to claims 16-17 and 20, 22-23.

Regarding claims 31, 36, 41, Kawakami et al. disclose the preset sound effect is customizable (col. 4, lines 29-49).

7. Claims 5-9, 18-19 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (4,937,673) in view of Kawakami et al. (US 4,660,102) in view of Arai et al. (US 5,576,758).

Regarding claims 5-6, Saito et al. and Kawakami et al. do not explicitly disclose a setting device that sets a photographic environment and the setting device is a compression device. However, Arai et al. teach a digital electric still camera in which the image data is compressed before being recorded and data compression rate is selectable by operating a picture mode button (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera in Saito et al. and Kawakami et al. by the teaching of Arai et al. in order to let the photographer can learn from the reproduced photographic scenes

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the optimum data compression rate for various scenes, and can select a suitable data compression rate during photographing (col. 2, lines 5-10).

Regarding claims 7 and 9, Kawakami et al. disclose sound effects as pseudo-shutter sound (col. 4, lines 44-49). Arai et al. disclose the compression rate (col. 3, lines 20-30). It is obvious that the frequency of the sound effect is changed based on the selected compression rate in order to be recorded sound associated with image data at different compression rate.

Regarding claim 8, Arai et al. disclose the setting device further sets an information input apparatus operating mode (col. 3, lines 10-47).

Regarding claims 18 and 26, each of these claims is considered analogous to claims 6 and 7. Therefore, see Examiner's comments regarding claim 6 and 7.

Regarding claims 19 and 27, each of these claims is considered analogous to claim 8. Therefore, see Examiner's comments regarding claim 8.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

or faxed to:
(703) 872 - 9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

LN LN
7/27/2002


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600